

UNITED STATES BANKRUPTCY COURT
UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN

In re Michael Yax; Cynthia Yax,
Debtor

Case No. 11-66130

Chapter 13

Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Federal National Mortgage Association

Court claim no. (if known): 12

Last four digits of any number
you use to identify the debtor's
account: XXXX2851

Date of payment change:
Must be at least 21 days after date of
this notice 10/01/2012

New total payment:
Principal, interest, and escrow, if any \$ 927.57

Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current escrow payment: \$ 303.65

New escrow payment: \$ 324.81

Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: _____

Current interest rate: 0.0000 %

New interest rate: 0.0000 %

Current principal and interest payment: \$ 0.00

New principal and interest payment: \$ _____

Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: _____

Current mortgage payment: \$ _____

New mortgage payment: \$ _____


Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

☐ I am the creditor. ☒ I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

x 
Signature

Date September 13, 2012

Print: Lisa Singer
First Name Middle Name Last Name

Title Authorized Agent

Company Rosicki, Rosicki & Associates, P.C.

Address 51 E. Bethpage Road
Number Street
Plainview NY 11803
City State ZIP Code

Contact phone (516) 741-2585

Email lsinger@rosicki.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Mortgage Payment Change has been served by first class mail on:

Gerald L. Decker
42700 Schoenherr Rd.
Suite 3
Sterling Heights, MI 48313

Tammy L. Terry, Esq.
Buhl Building, 535 Griswold
Suite 2100
Detroit, MI 48226

Michael Yax
52851 Chesterfield
Chesterfield, MI 48051

Cynthia Yax
52851 Chesterfield
Chesterfield, MI 48051

September 13, 2012

Alicia McNamee
Alicia McNamee

L913A
YAX, MICHAEL J
C/O GERALD L DECKER
42700 SCHOENHERR RD #3
STERLING HTS, MI 48313

ESCROW ACCOUNT STATEMENT			
Analysis Date:		8/8/2012	
Loan Number:			
Escrow Account Number:			
Current Payment		New Payment Effective 10/1/2012	
Principal and Interest	\$ 602.76	Principal and Interest*	\$ 602.76
Escrow	\$ 303.65	Escrow	\$ 324.81
Total Current Payment	\$ 906.41	Total NEW Payment*	\$ 927.57
* The principal and interest payments reflect the contractual amount due under the note, which can be modified with a mutually agreed upon payment plan. In addition, the new principal and interest payment and the total new payment may not reflect any changes due to interest rate adjustments. You will receive a separate notice for interest rate adjustments			

NEW MORTGAGE PAYMENT NOTICE AND ESCROW ACCOUNT DISCLOSURE STATEMENT

Seterus, Inc. is the servicer of the above referenced loan. In accordance with federal guidelines, your escrow account is reviewed at least once a year to determine if sufficient funds are available to pay your taxes and/or insurance. Your escrow payment will be a minimum of the total anticipated disbursements divided by the number of scheduled installments due in the next 12 months. This payment will increase if you have a post-petition shortage or deficiency. This statement provides a history of actual escrow account activity and a projection of the escrow account activity for the next 12 months.

Our records indicate a petition for Bankruptcy was filed on 10/5/2011. Pursuant to that petition, we have filed a proof of claim with the Bankruptcy court. Any deficiency and/or shortage listed under the Proof of Claim section will be excluded from your future scheduled escrow payment as these amounts will be added to your pre-petition arrearage and collected in your bankruptcy plan payment.

ANTICIPATED DISBURSEMENTS October 2012 to September 2013		ESCROW ACCOUNT PROJECTIONS FOR THE NEXT 12 MONTH ESCROW CYCLE Anticipated Activity			
		Payments to Escrow	Payments from Escrow	Description	Projected Balance
Taxes	\$1,945.38				
Insurance	\$1,505.00				
PMI	\$.00				
Total Disbursements	\$3,450.38				
		Starting Balance			\$-4,875.11
		Beginning Balance			\$-4,875.11
		Post Petition Beg Bal*			\$-1,661.96
		Surplus Refund			\$.00
Bankruptcy File Date	10/5/2011	10/1/2012	\$ 324.81		\$-1,337.15
		11/1/2012	\$ 324.81		\$-1,012.34
		12/1/2012	\$ 324.81		\$- 687.53
Proof of Claim Escrow Balance		1/1/2013	\$ 324.81		\$- 362.72
		2/1/2013	\$ 324.81		\$- 660.92
Pre-Petition Escrow Deficiency	\$3,213.15	3/1/2013	\$ 324.81	TOWN TAX	\$- 336.11
		4/1/2013	\$ 324.81		\$- 11.30
Pre-Petition Escrow Shortage	\$.00	5/1/2013	\$ 324.81		\$ 313.51
		6/1/2013	\$ 324.81		\$ 638.32
Total Escrow POC	\$3,213.15	7/1/2013	\$ 324.81		\$ 963.13
		8/1/2013	\$ 324.81		\$1,287.94
Payments Applied	\$.00	9/1/2013	\$ 324.81	HAZARD INSURANCE, TOWN TAX	\$-1,214.62
Remaining Escrow Balance					
Pre-Petition Escrow Deficiency	\$3,213.15	Total	\$3,897.72	\$3,450.38	
Pre-Petition Escrow Shortage	\$.00	The pre-petition deficiency is accounted for on the POC and will be collected as part of your pre-petition plan payment. The post-petition deficiency of \$1,661.96 will be collected over the next 12 installments.			
*Escrow Balance adjusted by proof of claim amounts		The projected beginning balance of your escrow account is -\$1,661.96. Your required beginning balance according to this analysis should be \$575.08. This means you have a shortage of \$575.08. An escrow shortage occurs when there is a positive balance in the escrow account but less than the projected balance, which covers any payments made from the escrow account over the next 12 months. This post-petition shortage will be collected over the next 60 installments.			
		(Continued)			
The Real Estate Settlement Procedures Act (RESPA) allows us to collect and maintain up to 1/6 of your total disbursements in your escrow account at all times, unless prohibited by state law. This cushion covers any potential increases in your tax and/or insurance disbursements. Cushion selected by servicer: \$575.06					

ESCROW ACCOUNT HISTORY

This is a statement of actual activity in your escrow account from February 2011 to September 2012. This history compares the projections from your last escrow analysis or initial disclosure and the actual activity in your account. If a prior escrow analysis was not conducted during this historical period, the project escrow balance will be zero.

ACTUAL ESCROW ACCOUNT HISTORY

Beginning Balance Date	Payments to Escrow		Payments from Escrow		Description	Escrow Balance	
	Projected	Actual	Projected	Actual		Projected	Actual
							\$- 340.84
2/1/2011	\$501.27	\$0.00 *	\$0.00	\$0.00		\$160.43	-\$340.84
2/1/2011	\$295.28	\$0.00 *	\$0.00	\$0.00		\$455.71	-\$340.84
2/3/2011	\$0.00	-\$340.22 *	\$0.00	\$0.00		\$455.71	-\$681.06
2/4/2011	\$0.00	\$295.28 *	\$0.00	\$0.00		\$455.71	-\$385.78
2/26/2011	\$0.00	\$908.66 *	\$0.00	\$0.00		\$455.71	\$522.88
2/26/2011	\$0.00	-\$908.66 *	\$0.00	\$0.00		\$455.71	-\$385.78
3/1/2011	\$295.28	\$0.00 *	\$0.00	\$0.00		\$750.99	-\$385.78
4/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,054.64	-\$385.78
5/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,358.29	-\$385.78
6/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,661.94	-\$385.78
7/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,965.59	-\$385.78
8/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$2,269.24	-\$385.78
8/12/2011	\$0.00	\$0.00	\$0.00	\$1,322.37 *	PROPERTY TAXES	\$2,269.24	-\$1,708.15
9/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$2,572.89	-\$1,708.15
9/14/2011	\$0.00	\$0.00	\$1,291.44	\$0.00 *	TOWN TAX	\$1,281.45	-\$1,708.15
9/19/2011	\$0.00	\$0.00	\$0.00	\$1,505.00 *	INSURANCE	\$1,281.45	-\$3,213.15
9/28/2011	\$0.00	\$0.00	\$1,487.00	\$0.00 *	HAZARD INSURANCE	-\$205.55	-\$3,213.15
10/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$98.10	-\$3,213.15
11/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$401.75	-\$3,213.15
12/1/2011	\$303.65	\$0.00 *	\$0.00	\$0.00		\$705.40	-\$3,213.15
12/16/2011	\$0.00	\$0.00	\$0.00	\$623.01 *	PROPERTY TAXES	\$705.40	-\$3,836.16
1/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,009.05	-\$3,836.16
2/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,312.70	-\$3,836.16
2/14/2012	\$0.00	\$0.00	\$574.06	\$0.00 *	TOWN TAX	\$738.64	-\$3,836.16
3/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,042.29	-\$3,836.16
4/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,345.94	-\$3,836.16
4/6/2012	\$0.00	\$295.28 *	\$0.00	\$0.00		\$1,345.94	-\$3,540.88
5/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,649.59	-\$3,540.88
5/7/2012	\$0.00	\$295.28 *	\$0.00	\$0.00		\$1,649.59	-\$3,245.60
6/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$1,953.24	-\$3,245.60
6/8/2012	\$0.00	\$295.28 *	\$0.00	\$0.00		\$1,953.24	-\$2,950.32
7/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00		\$2,256.89	-\$2,950.32
7/9/2012	\$0.00	\$295.28 *	\$0.00	\$0.00		\$2,256.89	-\$2,655.04
7/20/2012	\$0.00	-\$295.28 *	\$0.00	\$0.00		\$2,256.89	-\$2,950.32
7/20/2012	\$0.00	-\$295.28 *	\$0.00	\$0.00		\$2,256.89	-\$3,245.60
7/20/2012	\$0.00	-\$295.28 *	\$0.00	\$0.00		\$2,256.89	-\$3,540.88
7/20/2012	\$0.00	-\$295.28 *	\$0.00	\$0.00		\$2,256.89	-\$3,836.16
7/23/2012	\$0.00	\$1,181.12 *	\$0.00	\$0.00		\$2,256.89	-\$2,655.04
8/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00	EST:	\$2,560.54	-\$2,655.04
8/1/2012	\$0.00	\$303.65 *	\$0.00	\$0.00	EST:	\$2,560.54	-\$2,351.39
9/1/2012	\$303.65	\$0.00 *	\$0.00	\$0.00	EST:	\$2,864.19	-\$2,351.39
9/1/2012	\$0.00	\$303.65 *	\$0.00	\$0.00	EST:	\$2,864.19	-\$2,047.74
9/14/2012	\$0.00	\$0.00	\$0.00	\$1,322.37 *	EST: TOWN TAX	\$2,864.19	-\$3,370.11
9/28/2012	\$0.00	\$0.00	\$0.00	\$1,505.00 *	EST: HAZARD INSURANC	\$2,864.19	-\$4,875.11
Total	\$6,557.53	\$1,743.48	\$3,352.50	\$6,277.75			

An asterisk (*) indicates a difference in a previous estimate either in the date or the amount.

NOTE – This analysis was prepared in advance of the escrow payment change date. Therefore, the projected beginning balance for the next 12 months estimates that you have paid all the required scheduled installments as shown in your actual account history and that all scheduled disbursements have been made from your escrow account.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, BUT NOTICE OF POSSIBLE ENFORCEMENT OF OUR LIEN AGAINST THE COLLATERAL PROPERTY. **COLORADO:** FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 302, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1331537, 1340663, 1340148. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.